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Attorneys for Plaintiff EasyNevada, LLC

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

EasyNevada, LLC, a Nevada limited liability company,

Plaintiff,

v.

easygates, LLC, a Kansas limited liability company; Premier Easy, Inc., a Virginia Corporation

Defendant.

Case No. 2:21-cv-02148-DJA

STIPULATION AND ~~[PROPOSED]~~ ORDER EXTENDING TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT (ECF NO. 11) *NUNC PRO TUNC* AND FOR PLAINTIFF TO OPPOSE MOTION TO DISMISS (ECF NO. 15)

(SECOND AND FIRST REQUEST, RESPECTIVELY)

Plaintiff EasyNevada, LLC (“Plaintiff”), by and through its counsel of record, Howard & Howard Attorneys PLLC and the Law Offices of Peter N. Greenfeld, P.C., and defendants easygates LLC (“easygates”) and Premier Easy, Inc., (“Premier Easy” and, collectively with easygates, “Defendants”) by and through their counsel of record the law firm of Greenberg Traurig, LLP, submit this stipulation and request to extend time (1) for defendants to respond to the Complaint (ECF No. 1) and (2) for Plaintiff to oppose the Motion to Dismiss filed on February 11, 2022, (ECF No. 15). This is the parties’ second request to extend the responsive pleading

1 deadline (as the first was denied without prejudice) and first request to extend Plaintiff's
2 opposition deadline. This stipulation and request is made and based upon the following:

3 1. Plaintiff filed their complaint in this action on December 3, 2021. (ECF No. 1.)

4 2. Defendant easygates LLC was served on or about December 13, 2021; its response
5 was due on or about January 3, 2022. Co-defendant Premier Easy, Inc. was served on or about
6 January 14, 2022, by acceptance of service; its response was due on February 4, 2022.

7 3. Due to competing caseload requirements; complications involving the holidays,
8 COVID-19-related issues, and difficulty getting in contact with Premier Easy, among other things;
9 and as a matter of professional courtesy, Plaintiff and Defendants agreed to extend the time for
10 Defendants to file their responsive pleadings up to and including February 18, 2022.

11 4. The Court denied the parties' stipulation without prejudice under LR IA 6-1(a),
12 because it was filed after Defendants' deadlines to file responsive pleadings. (ECF No. 13.) As
13 a result, this is the parties' second request to extend Defendants' responsive pleading deadline.

14 5. The parties' failure to file their stipulation before the deadline for Defendants to
15 file responsive pleadings was the result of excusable neglect. First, as set forth above, both parties
16 had competing caseload requirements that required their attention. Second, the parties were
17 negotiating the stipulation and extension over the holidays, further delaying approval and filing
18 of the stipulation. Third, counsel had close contact with individuals in their family who tested
19 positive for COVID-19, requiring them to quarantine. Fourth, the extreme winter storms on the
20 East coast caused severe power outages, resulting in significant difficult and delays getting in
21 contact with Premier Easy.

22 6. Additionally, the parties were, simultaneously with their negotiation of the
23 stipulated extension, exploring the possibility of a global stay of this and other tangentially related
24 matters pending between the parties in order to participate in mediation.

25 7. The parties agree that the foregoing reasons for their stipulation and the delay in
26 filing the same both (1) constitute good cause and (2) establish excusable neglect.

27 8. When the Court denied the parties' stipulation (ECF No. 13), Plaintiff's counsel
28 reached out to Defendants' counsel to determine whether another stipulation would be necessary

and to inform him that Plaintiff would not oppose any motion to extend the responsive pleading deadlines. The parties agreed that Defendants would file their responsive pleadings as soon as practicable and that Plaintiff would take no action to seek default or strike such filings as untimely.

9. Consequently, easygates filed its Answer on February 10, and Premier Easy filed its Motion to Dismiss on February 11. (ECF Nos. 14; 15.)

10. Further, the parties, as part of their agreement to extend Defendants' deadlines to file a responsive pleading, Defendants' counsel consented to a two-week extension to Plaintiff's deadline to oppose any motion either Defendant filed.

11. As Premier Easy filed its Motion to Dismiss on February 11, Plaintiff's deadline to oppose is February 25, 2022. The parties agree that the Plaintiff shall have until March 11, 2022, to file its opposition. This is the parties' first request to extend this deadline.

Dated this 25th day of February 2022

GREENBERG TRAURIG, LLP

/s/ Mark E. Ferrario

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

CHRISTIAN T. SPAULDING, ESQ.

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Attorneys for Defendant easygates LLC

Dated this 25th day of February 2022

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ORDER

The Court has reviewed the stipulation of the parties and finds good cause exists to grant the same and the failure to file the initial stipulation was the result of excusable neglect. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants easygates LLC and Premier Easy, Inc. shall have up to and including **February 11, 2022**, to file their responsive pleadings.

IT IS FURTHER ORDERED that this Order extending the deadline for Defendants to file their responsive pleadings is effective *NUNC PRO TUNC* to January 3 and February 4, respectively.

IT IS FURTHER ORDERED that Plaintiff Easy Nevada, LLC shall file its Opposition to Premier Easy's Motion to Dismiss (ECF No. 15) on or before **March 11, 2022**.

Dated: February 28, 2022



Daniel J. Albregts
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada, 89169.

I served the foregoing, **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR PLAINTIFF TO OPPOSE MOTION TO DISMISS (ECF NO. 15)**, in this action or proceeding electronically with the Clerk of the Court via the Court's filing system, which will cause this document to be served upon the following counsel of record:

Mark E. Ferrario
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Attorneys for Defendants

I certify under penalty of perjury the foregoing is true and correct, and this Certificate of Service was executed by me on February 25, 2022, at Las Vegas, Nevada.

By: /s/ Steven E. Kish III
An employee of Howard & Howard Attorneys PLLC